

COBBETT'S WEEKLY POLITICAL REGISTER.

VOL. XXI. No. 10.]

LONDON, SATURDAY, MARCH 7, 1812.

[Price 1s.]

289]

[290

SUMMARY OF POLITICS.

LIBERTY OF THE PRESS.—Upon seeing this named, the reader will, of course, anticipate some fresh account of the workings of Informations Ex-Officio; he will anticipate a peep into some jail or other, to which the exercise of this liberty has conveyed some unfortunate man. How agreeably will he be disappointed, then, when he finds, that, for once, the use of this liberty has paved the way to riches and honours!—The following letters were published in the *Times* news-paper a few days ago, as extracted from a news-paper, published at Bury St. Edmunds in Suffolk.—It appears, that a *Mr. Benjafield*, who is now A MAGISTRATE in Suffolk, was once a part proprietor and sole editor of that famous news-paper, the *MORNING POST*; that, during the last year, having previously quitted the trade of paragraph-grinding, and being resident in Suffolk, he found it necessary to obtain from Lord Moira a letter stating that he, Benjafield, did *not* enjoy any *annuity* from the *Prince of Wales*. Why he should ask for such a letter the reader will see by-and-by, but, he got the letter; and, he appears to have shown it to the people in his neighbourhood, or, at least, the contents of Lord Moira's letter became public.—The date of that letter is not mentioned; but, on the 16th of January last, Lord Moira, finding that he had been deceived when he wrote the former letter, *recalled that former letter*, in a public manner, by addressing another letter to a Mr. J. ORD, a Clergyman, who, it seems, is Chairman of the Sessions at Bury St. Edmunds, though it does appear strange that a person charged with the *cure of souls* should be able to devote so much of his time to matters relating wholly to this world. To this Mr. ORD, however, his Lordship addresses a letter, in which he states, that he has now found out, that Mr. Benjafield *had*, and *still has*, AN ANNUITY FROM THE PRINCE OF WALES, granted to him in consideration of his giving up his share in the *Morning Post*!—Very well. So far so good; but then

comes another letter to Mr. ORD from a person of the name of COCKSEGE, who develops the whole history of the annuity in a very ample way. This is sufficient in the way of preface. I shall now insert the letters. The *first* is from the Rev. Dr. Ord to the Editor of the Bury Paper; the *second* from Lord Moira to Dr. Ord; and the *third* from Mr. Cocksedg to Dr. Ord.

DR. ORD TO THE EDITOR OF THE BURY PAPER.

"SIR—As Mr. Benjafield has been pleased to publish a part of one of the two letters which, under the directions of my brother Magistrates, I read to them at our last Quarter Sessions, I conceive it to be incumbent upon me to request you to insert in your next paper the whole of both those letters; of which, by the permission of Lord Moira and Captain Cocksedg, and at Mr. Benjafield's express desire, I sent him authenticated copies.

Fournham, Feb. 21.

J. ORD."

LORD MOIRA TO DR. ORD.

London, Jan. 16, 1812.

"A disagreeable circumstance lays me under the necessity of soliciting permission to trespass upon you with this letter.—Some time ago Mr. Benjafield (then perfectly unknown to me) applied to me, to ascertain the point whether or not he received an annuity from the Prince of Wales. He said he had been charged with having extorted an annuity from his Royal Highness for the suppression of attacks which he was about to bring forward; an imputation which he negatived with the most earnest professions, advancing in proof of his denial the assertion, that he never had any annuity from the Prince. I considered investigation of this matter to be involved in that engagement of anomalous services, which I, with others of the Council of his Royal Highness, had spontaneously entered into, when, to prevent the expence to the public of any establishment for the Prince Regent dur-

L

“ing the year of restrictions, we desired
 “that we might officiate as his State
 “Household. I made due inquiry ac-
 “cordingly; but, as the transaction to
 “which this referred, was of a date earlier
 “than that at which I began to have any
 “knowledge of the Prince’s affairs, there
 “was nothing to lead me to any other
 “question than, whether Mr. Benjafield
 “had at any time received an allowance
 “or annuity from the Prince? The an-
 “swer was, that no record or trace of such
 “allowance or annuity appeared. I was
 “naturally satisfied with this statement,
 “because it was what I had expected,
 “both from Mr. Benjafield’s assertion to
 “me, and from my having always sup-
 “posed WELTJE the purchaser of the
 “shares in *THE MORNING POST* on a
 “speculation of his own. On this ground I
 “confidently furnished Mr. Benjafield
 “with my testimony against the accusa-
 “tion under which he laboured. Subse-
 “quent informations have guided me to
 “proof, that Mr. Benjafield has been re-
 “ceiving (and is still in the receipt of) an
 “annuity, which is essentially, though
 “not in absolute form, what he has been
 “charged with having obtained. He re-
 “ceives from Mr. Tattersall an annuity,
 “which is paid to the latter *by the Com-
 “missioners for liquidating the Prince’s debts.*
 “I have, therefore, written to Mr. Benja-
 “field to say that I must have back a tes-
 “timonial, by which I unwittingly vouch
 “for what is in substance not true; but
 “as he told me that his object was to ex-
 “hibit that testimonial to his BROTHER
 “MAGISTRATES, and as I have reason
 “to believe he has shewn it widely, it is
 “incumbent on me, by this explanation,
 “to prevent my name’s contributing fur-
 “ther to a misunderstanding of the case.—
 “That Mr. Benjafield’s name was not on
 “any schedule or list as a creditor of the
 “Prince, is indisputable. It is equally
 “certain that the Prince did not know of
 “any pecuniary transaction with Mr. Ben-
 “jafield, the business with WELTJE
 “having clearly been managed at the
 “time by persons indiscreetly officious,
 “though at the Prince’s expence. From
 “these facts candour exacts the construc-
 “tion, that Mr. Benjafield has acted upon
 “the presumption that the persons osten-
 “sibly bound to him were those with
 “whom the transaction really rested.
 “While I admit this, I cannot withhold
 “my censure upon the manner in which
 “I have become so unpleasantly impli-

“cated. I am entitled to say, that Mr.
 “Benjafield’s want of caution in making
 “those assertions which unavoidably led
 “to my error, without his having pre-
 “viously satisfied himself on circum-
 “stances involving obvious doubt, ought
 “to give him serious regret.—I have the
 “honour, Sir, to be,—Your very obedient
 “and humble servant. MOIRA.”

“Rev. Dr. Ord,

“Chairman of the Sessions, Bury.

MR. COCKSEGE TO DR. ORD.

“Bury St. Edmunds, 20th Jan. 1812.

“Rev. Sir,—Having received informa-
 “tion that Lord Moira has addressed a
 “letter to you, in your official capacity as
 “Chairman of the Sessions, for the pur-
 “pose of recalling through a public chan-
 “nel a letter from Mr. Benjafield, which
 “he had obtained from his Lordship, in
 “order to rebut the assertion which I
 “have made in the proceedings in a
 “Chancery suit, with respect to the an-
 “nuity which he enjoys being derived
 “from an High Personage, and with the
 “privity of Mr. Benjafield.—I feel it be-
 “comes me to state to yourself and the
 “Bench, that in consequence of Mr. Ben-
 “jafield’s having obtained and shewn this
 “letter to this town and the neighbour-
 “hood, as exculpating him from the
 “charge, I held myself called upon more
 “minutely to investigate and collect the
 “evidence upon which I considered the
 “circumstance to rest.—I began the en-
 “quiry by resorting to the executors of
 “the late Mr. Tattersall, and their solici-
 “tor (a channel to which Mr. Benjafield
 “did not direct his Lordship, and yet ap-
 “parently the most likely to decide the
 “fact, of the annuity being merely the
 “debt of Tattersall only, or of some other
 “and higher personage), and from thence
 “I carried it to those who were imme-
 “diately concerned in the conduct of the
 “transaction. In the course of this in-
 “quiry it resulted that in consequence of
 “the paragraphs in *The Morning Post*,
 “relative to a *High Personage* and a cer-
 “tain untitled Lady, Mr. Benjafield, who
 “had the sole conduct of the paper, was
 “threatened to be PROSECUTED; that
 “finding he was not to be alarmed, it be-
 “came necessary TO BUY HIM OUT;
 “that he was accordingly BOUGHT
 “OUT; and that Mr. Benjafield knew it
 “was a transaction with a High Per-
 “sonage; and the terms having been con-
 “sidered as grossly exorbitant, such High

" Personage was particularly spoken to on
 " the subject, *but desired that they should be*
 " *acceded to.*—That Mr. Benjafield has
 " been lately negotiating for the *exchange*
 " of his annuity for A PLACE UNDER
 " GOVERNMENT, with the gentlemen
 " who, on the part of such High Personage,
 " gave a bond in the penalty of 10,000*l.*
 " to Tattersall, to indemnify him; *that*
 " *places had been offered to him, but not ac-*
 " *cepted; this fact alone carries conviction*
 " *with it.*—It was also ascertained from
 " one of the Executors of the late
 " Mr. Tattersall, and from his solicitor,
 " that upon being informed that, as exe-
 " cutors, they must deduct the property
 " tax, he said he should *complain to a*
 " *higher power.*—The above is the general
 " result of the inquiry which I have insti-
 " tuted; I will not trouble you with a
 " farther detail at the moment, but I re-
 " serve to myself the adoption of such far-
 " ther publication of the affair, or of such
 " measures respecting it, as circumstances
 " may require.—I remain, Rev. Sir, your
 " most obedient and humble servant,

" M. T. COCKSEGE.

" To the Rev. Dr. Ord, Chairman of the
 " General Quarter Session for the Division
 " of Bury St. Edmunds."

Upon these letters it is not necessary to make many observations. They speak so plain a language; they make so complete an exposure; they put this prostituted press in so strong and so true a light: the threatened prosecution on one hand, and the pecuniary reward on the other: it is all so plain, so authentic, so convincing, that nothing can be added to it, especially as we have here a flat declaration, that a negotiation has been going on for paying off the annuity by giving the annuitant a place under government in lieu of it! This makes the thing quite complete. There is nothing wanting; and, we have only to bear in mind, that this *Morning Post* news-paper is famed for what is called *loyalty*; that it is this print, which has dealt forth its infamous abuse on Sir Francis Burdett, and, indeed, on every one whom it has had reason to regard as hostile to the present system of rule. This is the print, which, about a year ago, accused Buonaparté and his ministers of being guilty of the horrid crime for which some wretches had just then stood in the pillory; this is that print, which I have long marked out as an object of public execration; but, which, I must say, is

very little worse than many others in this country.——Who WELTJE is, we are not told; but, he must, one would think by the name, be some *German*. Lord Moira appears to be familiar with his name. This seems to have been the dealer with Benjafield. What a state must men have arrived at before they could even talk to one another upon the subject! How could Weltje have *opened* the matter to Benjafield? What could Benjafield have said in answer? What must be the state of things; what a pass must men have come to before such a negotiation could be *opened* at all! This fact alone; or, rather, the facts now come to light through these letters, are quite sufficient to characterize the press of this country; and, by these facts foreigners will judge of it.——The *Morning Post* is merely a specimen of the far greater part of the rest of the press. Nor do I confine myself to *news-papers*; no, nor to *magazines* and *reviews* and *annual registers*; the prostitution extends itself to all sorts of publications, which, in any way whatever, relate to politics or government, either in church or state. No matter what the subject; army, navy, church, law, history, biography, finance, agriculture; in all alike corruption tries its hand; and, my real belief is, that not one book out of ten, upon any of these subjects, comes forth from the press without having undergone more or less of corrupt influence. The works of science are few, those of genius fewer. In short, a more despicable thing than the English press, generally speaking, is not to be found on the face of the earth.——As to the consent of the Prince to this bargain, it is to be looked upon as *extorted by a reluctance to see a woman exposed*; but what must that man be, who could deliberately set about the gaining of an income by such means?

HON. B. WALSH, M. P. — This Hon. Gentleman, who was, some weeks ago, CONVICTED OF FELONY, at the Old Bailey, and, accordingly, confined in Newgate, was discharged on the 20th of February, in virtue of a *pardon*, of which the following is a copy.

" BENJAMIN WALSH—FREE PARDON.

" In the Name and on the Behalf of his
 " MAJESTY.

" GEORGE P. R.

" Whereas Benjamin Walsh was, at a
 " Session holden at the Old Bailey in Jan.
 " last, tried and convicted of Felony, but

"judgment was respited; We, in consideration of some circumstances humbly represented unto Us, touching the said conviction, are graciously pleased to extend Our grace and mercy unto him, and to grant him Our Free Pardon for his said crime: Our will and pleasure therefore is, that you cause the said Benjamin Walsh to be forthwith discharged out of custody; and for so doing this shall be your Warrant.

"Given at our Court at Carlton-House the 20th day of February, 1812, in the 52d year of our Reign.

"By the Command of his Royal Highness the Prince Regent, in the name and on the behalf of his Majesty.

"R. RYDER."

"To our trusty and well-beloved our Justice of Gaol Delivery for the City of London and County of Middlesex, the Sheriffs of the said City and County, and all others whom it may concern."

It is a curious circumstance, that the "NEW ERA" should set out, with the pardoning of a Member of the Honourable House for the crime of felony. I am not supposing that it was not a very proper act; it appears, indeed, that it was become unavoidable; but, it is curious, that a Member of the Honourable House should be the first to be pardoned for felony.—We, at present, think little of such a thing; but, the time will come, and is fast approaching, when we shall grow more serious; when we shall examine such acts with more care; when we shall learn to discriminate.—MR. WALSH is, it seems, to undergo a motion for expulsion from the Honourable House; but, really, after all the contrition that he has shown, and, considering how loyal a man he is, I cannot help hoping that he will be suffered to remain. He is said to have put his hands before his face when brought to the bar at the Old Bailey. This showed that he had a sense of shame about him, and that he was not a hardened villain, ready to justify his crime because the frequency of it was as notorious as the Sun at noon day.—However, as we shall very soon know the result of the motion against him, it is useless to indulge in speculations upon the subject.

FOREIGN TROOPS.—The Times newspaper of the 2nd instant contained the

following little paragraph:—"By an order of the Commanding Officer, the foreigners who lately joined the 10th Hussars, at Brighton, have been dismissed."—These are the men, respecting whom, as the reader will recollect, Lord FOLKESTONE made inquiry, in the House of Commons, on the 25th of February. His Lordship was told by the Secretary at War, that the men who had been taken out of the Prisons to be put into the 10th (or Prince of Wales's own) Regiment of Light Dragoons, were Germans, which, as I before observed, was a reason the more against employing them. But, be this as it may, here they are dismissed, if this news-paper is to be believed. They joined, it appears, sometime ago; and, now, since the inquiry of Lord Folkestone, they are, we are told, dismissed. But what are we to understand from this? That they are let loose in England; or, that they are sent back to their prison; or, that they are put into some other corps, perhaps a foreign corps? Besides, they are said to have been dismissed by "order of the Commanding Officer." Is the Prince meant here, he being the Colonel of the regiment? If so, it appears strange, that the men should have been enlisted into his regiment without his knowledge.—All this is matter for inquiry; and further it should be known what bounty we pay to these men; because, if they have got the bounty, their dismissal is a singular sort of measure.—On the 2nd instant there came out, in the House of Commons, another curious circumstance as to the employment of foreigners.—"LORD FOLKESTONE gave notice, that he would, on Tuesday, move for certain Papers relative to the number of foreigners employed in his Majesty's army service. He also said, that he had been informed Commissioners had been named to superintend the management of his Majesty's private property, and that one of them was a foreigner. He thought, if this were true, it was somewhat extraordinary. He begged the right hon. gent. would inform him if the case was so, and what were the names of the Commissioners.—THE CHANCELLOR OF THE EXCHEQUER answered, that Commissioners had been appointed for the purposes mentioned by the Noble Lord; that one of them was a foreigner; and that these Commissioners were Mr. Simeon, one of the Masters in Chancery, Count Munster, and Colonel Taylor."

—This COUNT MUNSTER is a Hanoverian. I do not know of what country *Colonel Taylor* is; but I know that Count Munster is a Hanoverian. Well, now, what says the Act of Settlement upon this subject? Why, it says, that, if any person of the House of Brunswick should mount the throne in England; it says, that, after such an event shall take place, “no person born out of “the kingdoms of England, Scotland, or “Ireland, or the dominions thereunto belonging (although he be naturalized or “made a denizen, except such as are born “of *English* parents) shall be capable to “be of the Privy Council, or a member of “either House of Parliament, or to enjoy “any office or place of trust, either civil “or military, or to have any grant of lands, “tenements or hereditaments from the “Crown, to himself or to any others in “trust for him.”—Now, you see, reader, that this act, which contains the *conditions* upon which the present family were raised to the throne of these kingdoms, positively forbids, that any one born a foreigner, shall enjoy any *office*, or *place of trust*; and, is it not a place of great trust to be a Commissioner to superintend the management of the King’s private property?—This, however, is a trifle, in my eyes, to the employing of foreigners as *Officers* in *English* regiments, or on the *Staff*, either in this country, or abroad. Whenever this is done, the person employed is put in a *place of trust*, and a direct and clear violation of the law is committed; that very thing is done, which it was the object of our forefathers to prevent being done. The law was, too, especially levelled against Hanoverians and Brunswickers, because it was foreseen, that the favour of the Crown would naturally lean towards them.—The motion of which Lord Folkestone has now given notice appears to have in view to ascertain what number of *foreigners* there are in our *native regiments*, which is a piece of information very much wanted. This is the great point; for, however low the rank of most of them may be, they may, when once admitted into the army, be promoted.—The general question, whether foreigners ought to be employed in our army at all differs from this now before us; for, here we say, that the *law* is violated. As far as relates to the *foreign Corps* there are late acts of parliament, which, perhaps, may fully sanction what is done; but, there is not yet any act to repeal the Act

of Settlement; nor is there any act to authorize the employing of foreign officers except *solely as officers of those foreign corps*; there is no act, there is no law, to give the government power to set foreigners in command over our native troops at home, or to set them to command any garrison or district, except those of the 60th regiment, and they are only to have such commands in America.—I cannot conclude this article, without once more calling the attention of the reader to the nature of our connection with these Hanoverian Officers.—Formerly, they were the subjects of their Elector, who was our King. But, how do they stand now? I shall be told, perhaps, that they are still his loyal subjects, though their country is in the hands of the enemy. They are not, however, his subjects *here*; as King of this country he cannot claim their allegiance; they are no fellow subjects of ours; they cannot become so without an act of parliament to naturalize them; and even then, they would not be capable of enjoying places of trust, either civil or military.—Well, now, suppose that Hanover should be ceded to Jerome Buonaparté at a peace. What will then be the situation of these men? Where will they then owe allegiance? Certainly to the sovereign of the country, who will, in that case, be a sovereign not merely by conquest but by law, treaties always being laws. This would be a curious state wherein for men to be placed; and, I do not see, how they could be retained in our service for an hour after the conclusion of such a treaty. I suppose, that some of these officers are men of property, or, at least, are heirs to something. They must, of course, naturally look towards Hanover now and then; and besides, men never do wholly give up all hope of returning home. These are things always to be kept in view in the discussions relating to these foreigners; discussions of far greater importance than those relating to the choosing of ministers, which have wasted so many hours and such a quantity of breath.

ORDERS IN COUNCIL.—On the 3rd instant Mr. BROUGHAM made a motion, in the House of Commons, for a Committee relative to the effects of the Orders in Council. His motion was opposed by the Minister, and was, of course, negatived. The votes for were 144, against 216. So that the little Minister keeps up his majority to about its old standard, though it

appears, that he has been left by Lord Wellesley and by Canning and their little knot of friends.—As to the *debate* upon the Orders in Council, it neither did nor could contain any thing new. There was nothing new to say upon it. The subject had been worn threadbare by the diplomatic correspondence. My 3 first written Letters to the Regent, which only repeated what had been said ten times before, have had time to find their way to America, to be republished there through the whole country, and to come back to England in the American news-papers. So that, really, the speech of Mr. Brougham (as far as it related to America) contained nothing either new or of the smallest utility. And, as to the consequences to ourselves, there was nothing brought to light; there was nothing new; there was nothing to shew us a *remedy*; there was nothing to lead us to suppose, that the OUT party would not keep up the system if they themselves were in power; and, in short, the whole debate, though it appears to have taken up many hours, was of a description to excite no interest at all in the public.

DROITS OF ADMIRALTY.—The debate upon this subject, also brought on by Mr. Brougham, was of a different character. Here a developement took place; here the public saw how their money was disposed of; here they saw one of the causes why some men are in favour of wars.—The use of *outlandish* or *obsolete* words is one of the means of keeping the people of any country in the dark. Hence the solemnizing of the mass in the *Latin* tongue, and the writing of prescriptions in Greek. Buonaparté has put an end to all this monkery in France, by making an understanding of the dead languages *unnecessary to the taking of degrees in the Universities*, for which, at any rate, he merits the praise of the whole world; because, it is impossible, that his example should not, in a few years, extend its influence.—What has led me into these remarks, is, the quaint phrase at the head of this article: "*Droits of Admiralty*;" words that the people do not understand; and the use of which, therefore, like the words "*imprest*" and "*tellership*" and "*clerk of the pipe*," and the like, is as steadily adhered to as the old French words, in which the royal assent is given to acts of parliament.—The word *Droit* means *right*, or *claim*, in some cases, and in

some cases it means *duty*, or *tax*. In the present instance, it means *seizure*, or, rather, the *things seized*; and *Droits of Admiralty* mean *seizures by the Admiralty*.—These are of several descriptions; but, that which is alone worthy of notice at present, is, the *seizure of the vessels and goods of nations before war is declared against them*. The things laid hold of in this way are called *droits of the Admiralty*, and they are at *the king's disposal*, according to the present usage; though it is difficult indeed to reconcile such a disposal to any principle of reason or of law.—These *droits*, or *seizures*, are of immense amount; and how they have, in part, at least, been disposed of, the reader will see from the speech of Mr. Brougham, which I insert below, and which contains some very interesting facts. *These* are matters in which we are *deeply interested*. As to who is in the ministry and who out of it, that is of little consequence, so long as these things exist; and, we find, that they have existed under every ministry, since PITT was placed at the head of affairs.—It is not, however, so much the amount of the money, as the manner of getting it and the manner of disposing of it. Seizures made *before a declaration of war* form the far greater source of these sums of money; so that, whenever we go to war there is one sure way of getting a good lot of money into the disposal of the Crown; and, as this way may be resorted to at the outset of every new war, the more new wars there are, the more money there will be at the absolute disposal of the ministers of the Crown.—This fund was greatly swelled by the seizure of French ships and cargoes at the breaking out of the present war, but *before the war was declared*. What was the consequence of that? Why, *the detention of the English subjects in France*, by way of retaliation. So that these *Droits of Admiralty* have not been *clear gains* to us, take us all together. Some people have smarted for them; and, indeed, they have to smart yet a good deal.—The account which Mr. Brougham gives of the REV. MR. DANIELS, who, it seems, got a good thumping sum out of this fund, is very well worthy of the reader's particular notice. This is the man who has written a book about *Rural Sports*, and, I believe, he has also published several sermons, in some of which, I am told, he dwells with great stress upon the absolute necessity of an *established Clergy*, in order to insure proper teachers of the truths of Chris-

tionity.—The sum paid to SIR HOME POPHAM is, too, an object deserving as much attention as that paid to Rural-sport Daniels. Indeed, the whole history is curious, and ought to be kept constantly in mind by the people; for, it is quite impossible that a time should not come, when it will be found useful to have all these things clearly recorded. Nations suffer greatly from their *forgetfulness*. One fact seems to rub out the recollection of another; and the last only exists full and unimpaired in the memory. Every man, who wishes well to his country, should do all within his power to keep all the interesting facts alive; and, if any one would make a collection of them, in a small book, that he might call the *People's Pocket Companion*, his time would be very usefully, and, even to himself, not unprofitably employed. The people forget; and they ought not to forget; because, upon their *recollection* will depend very much indeed.—I shall return to the subject another time; at present I shall dismiss it with begging the reader to attend to the speech of Mr. Brougham, which, together with that of Mr. Perceval, I have inserted below.

SICILY.—The drama seems to be drawing to a close in this island. The King is said to have retired on account of *ill-health* and the Queen to keep him company. His son has been created Vicar General of the kingdom, and all the *troops* have been put under the command of the *English General*!—Let us hear what our venal writers say about this event. They have been, for a long while, preparing the public for it; and yet, when the news came they seem to have been very shy of announcing it. The *Times* (the most venal paper of all) speaks thus of the matter, on the 25th of February.—“Dispatches were yesterday received from Lord William Bentinck, at Sicily, by Mr. Douglas. The intelligence thus brought, so far as it has escaped into notice, is important enough; but so confused that we can hardly as yet undertake to explain its nature or probable effects. There is said to have been *something like a revolution*, in which the King has retired from his throne, appointing the Hereditary Prince, with the title of Vicar-General, to reign in his stead. The exiled Barons have been recalled, and the *British Officers* are to take the command of the *Sicilian troops*, and the chief of them to have a

“seat in the *Sicilian Cabinet*. An OBJECTIONABLE TAX, too, is said to have BEEN WITHDRAWN. This last particular is a strong proof that the change is at least IN CONFORMITY TO THE WISHES OF THE PEOPLE. Another important circumstance which we have heard is, that the *King and Queen* are at variance, and that the former (before his abdication we suppose, if such an act has really taken place), issued a proclamation, *forbidding all Sicilians from holding any correspondence with her Majesty, on pain of death*. We only report these things as we have heard them reported, and wait with patience for an accurate account of all the events, as well as the principles by which they have been guided.”—This was by way of *breaking the ice*, as it is called. Not a word of *disapprobation* is here expressed; an air of impartiality is assumed; the writer waits with *patience* for information! But, our people TOOK OFF A TAX, did they? Indeed! And so one of the effects of this revolution was to take off a tax! I wonder what this tax was? I wonder what it was that an English Chief thought “*objectionable*?” It is, however, good news to hear that there is one of the taxes in the world taken off; and, as the effects of it seem, in this case, to have been so happy, why may we not hope to hear of an extension of the measure.—This fact, we are told, proves, that the revolution was agreeable to the wishes of the people. So that, it is, then, taken for granted, that the taking off of a tax is a measure pleasing to the people! This writer’s eager venality makes him overstep the bounds of prudence. If he had taken time to reflect, he surely would not have represented an English army employed in an expedition to lower the taxes in Sicily; he surely would not, in justification of a revolution, have placed at the head of his reasons, the existence of an objectionable tax!.....I was proceeding here to lay the French remarks, and the *Act of Abdication* before my readers, when the Morning Chronicle arrived with the report of Sir FRANCIS BURDETT’s Speech upon the motion for the expulsion of the Honourable Benjamin Walsh—I must, therefore, quit the king and queen of Sicily, for the present, and go to a subject of much more importance to us.

THE HONOURABLE B. WALSH, M. P.
—On the 5th instant, Mr. BANKS made

a motion for the expulsion of this member of the Honourable House, which motion was finally carried, 101 for it and 16 against it; majority 85.—Mr. Banks opened the debate. He was opposed by Sir ARTHUR PIGGOTT, who was answered by Mr. BRAGGE, who was followed against the motion by Mr. HUME. Sir FRANCIS BURDETT then rose, and, according to the report in the Morning Chronicle, made a speech, which, though, perhaps, a mere sketch of it is given here, merits, even in this shape, the greatest attention.—I shall at once insert it, reserving my remarks till afterwards:—“Sir FRANCIS BURDETT said, that he was very far from being a stickler for what were called the privileges of Parliament, but certainly if there was a privilege, or a power, in any body or assembly, less disputable than another, he conceived it to be that of declaring any one of the individuals of which they were composed unfit and unworthy of associating amongst them; it was at all events a power, which, when compared with the other extraordinary privileges assumed by Parliament, appeared to him to be, of all others, the least liable to abuse, because if any Member was expelled from any motives of party zeal, or personal persecution, a remedy would be open to him in an appeal to his constituents, who, if they thought differently of his conduct, could unquestionably restore him to his seat. This must be the case if elections were what the Constitution meant they should be, fair and open, and general throughout the country; if the people who paid the taxes really sent to that House the persons whom the Constitution entrusted with the province of levying them, why then there could be no difficulty, because there could be little fear of the people not confirming the sentence of expulsion passed on any gross defaulter, by refusing to re-elect so unworthy a representative; but since the anomaly of private boroughs, since the introduction of persons into that House, who came in professedly to vote at the beck of the borough proprietor, a great difficulty arose—if one of those persons was expelled, might he not be sent back to the House upon the same, or some other borough interest; or if he had purchased a seat in that House and was expelled, could he not, if he had the money, purchase another? The truth was, that if a person

“so circumstanced thought proper to maintain himself, there would be no remedy. The Honourable Gentleman with whom the present question had originated had talked of that House as a high Court, and yet he gave rather a singular description of this Court, which had no rules, no regulations of its own, no principles, nothing but the then will and pleasure of the fluctuating body, of which that House might be at any time composed. Such was, in his mind, a most extraordinary Court of Justice! But as to the right of that Assembly to expel one of its own Members, he thought there could be little doubt of the right of every body to try to purify itself—he understood, that in 1809 the Members of the Stock Exchange had expelled Mr. Walsh for what they termed to be gross and nefarious conduct; now, certainly, if the feelings of the Gentlemen upon Change were so sore at the idea of associating with Mr. Walsh, he did not see why that House, *even constituted as it then was (a laugh)*, should not be allowed the privilege of removing from themselves, in a similar way, an annoyance of the same kind. There was no doubt, he believed, that Mr. Walsh had purchased the seat he then held in that House. It appeared, in the investigation of his books and accounts before the Commissioners of Bankruptcy, *that there was an item of 5,000*l.* charged on the assets of Mr. Walsh, on account of his seat in that House*, and such odd and whimsical confusion did it produce amongst the Commissioners, that after ineffectual efforts to meet the difficulty, they were obliged to resort to delay to evade it, and soon after *Mr. Walsh's debts were paid*, the bankruptcy superseded, *and the matter heard no more of.*—With respect to the proceedings had against Mr. Walsh, they appeared to him to be of a nature the most inconsistent, incongruous, and absurd. There had been a trial and no trial, an offence and no offence, a pardon and no pardon. Mr. Walsh had been indicted for felony, tried and convicted, but the verdict was a false one. How came this? It was found subject to the opinion of the Judges hereafter—a mode of finding, of which, by the bye, the fewer instances that occur the better; but what sort of law must that be? in what state must those laws be, of which the great law expounders themselves are ignorant? If

"the Judges themselves do not know the
 "law, is not that law a mere snare for
 "men, instead of being what it ought to
 "be, a safeguard? This was a topic,
 "which, in his mind, called for the most
 "serious consideration. With respect to
 "the pardon—he doubted if it could be
 "properly so called—he had understood
 "that a free pardon must pass under the
 "Great Seal—he was sure that at least, in
 "the present instance, there should have
 "been more publicity.—Mr. Walsh should
 "have pleaded his pardon in open Court;
 "the reasons for granting the pardon
 "should have been stated at large, and
 "the Judges would be then bound by
 "their oaths to say, whether the reasons
 "were, according to law, fit, just, and ade-
 "quate. As to the intention of Mr.
 "Walsh, his letter left no room for doubt,
 "though he (Sir F.) knew not how that
 "letter got into public circulation, or by
 "what management at the Post Office it
 "was, in the first instance, secured; how-
 "ever, he thought there had been full
 "enough made out to convict Mr. Walsh
 "of an abominable fraud; and as guilty
 "of such fraud, he should certainly vote
 "for his expulsion from that House. Be-
 "fore he sat down, he wished to mention
 "one or two cases, which, in his mind,
 "the House ought to have prosecuted with
 "as much, if not more rigour, than the
 "present.—These cases were not drawn
 "from remote, but recent times; for, as
 "for precedents of the proceedings of that
 "House, there was scarcely any thing
 "for which there might not be found a
 "precedent in the heated and violent times
 "that had passed at different intervals.
 "The first instance he should mention
 "was that of MR. STEELE:—his fraud,
 "in a public point of view, was of infi-
 "nitely greater moment than the private
 "transaction in the present instance; and
 "yet there had been no notice taken of it.
 "It appeared upon the report of the Fi-
 "nance Committee, during the Adminis-
 "tration of the Honourable Gentleman,
 "who had preceded the present Trea-
 "surer of the Navy, it appeared there
 "that he was in debt to the public to the
 "amount of 19,000*l.* It might be said
 "that he had paid this money back: this
 "was no alleviation whatever, and the in-
 "terest was at all events lost to the public.
 "The next case he mentioned was that of
 "Mr. HUNT. This person had been let
 "go to Portugal, where he could have
 "been easily apprehended, if the Govern-

"ment thought proper. He was now in
 "the Brazils, where they could as easily
 "apprehend him; and yet this defaulter,
 "he understood, was at that moment in
 "the actual receipt of two pensions from
 "this country, to the amount of 1,000*l.* a
 "year—one of them granted him in the
 "year 1802, and the other in the year
 "1804.—Another instance was that of
 "MR. MILLS, who, for the purpose of
 "cheating his creditors, bought a seat in
 "that House. He was at the time a pri-
 "soner for debt to an immense amount in
 "the King's Bench: his creditors peti-
 "tioned the House and besought them not
 "to interpose their privilege in behalf of
 "a swindling trick to defraud them. The
 "petition, was, however, of no avail:
 "Mills was enlarged, and took the oppor-
 "tunity his privilege of Parliament af-
 "forded him, of escaping to America.—
 "There was another case of greater public
 "enormity than either, because much
 "more pregnant with mischievous conse-
 "quences, and that was the case of MR.
 "PITT advancing 40,000*l.* of the public
 "money to Messrs. *Boyd and Benfield*,
 "two of the host of voters at his beck
 "—the greatness of the individual in
 "that House might have then protected
 "him—he might have been saved, per-
 "haps, by a majority of such votes as he
 "influenced in this way: they had heard
 "of late enough to shew that such influ-
 "ence did exist; for what else could be
 "meant by drawing the distinction be-
 "tween what ought, and what was not to
 "be considered as a Cabinet measure:
 "—but of this transaction of Mr. Pitt, he
 "had always entertained the same opi-
 "nion, and thought it a gross abuse of his
 "public duty under the shameless pre-
 "tence of supporting the public credit—
 "*(Hear, hear, from the Ministerial Benches!)*
 "If it was for the support of public credit,
 "he could only say that it did not tend
 "to support the credit of that House with
 "the public—*(A laugh, and hear, hear!)*
 "If the Honourable Gentleman opposite
 "(Mr. Hume), who had preceded him in
 "the debate, thought that House to be
 "made of a collection of—he knew not
 "how to name them—if there were any
 "or many such persons in that House, or
 "in the country, that would be with him
 "a tenfold reason why the evil should be
 "stopped before it proceeded to such ex-
 "cess, unless they should go on the prin-
 "ciple, that *where roguery was so general,*
 "*it was more prudent to pass it over.* This

“reminded him of that part of the dialogue between Lady Macduff and the child—her son asks, “and must they all be hanged that swear and lie?” Lady Macduff replies in the affirmative. “Who must hang them,” demands the child. “Why, the honest men.” Upon which the child observes, “then the liars and swearers are fools, for there are liars and swearers enough to beat the honest, and hang up them.” —(*A laugh!*) He concluded with repeating his opinion, that the House in the present instance had a right to expel Mr. Walsh, and expressed his intention of voting in support of the motion.” As to Walsh, it signifies little what becomes of him. He is now done with; but, there were some points in the Speech of Sir Francis, in which I must offer an observation or two.—As to the RIGHT HON. THOMAS STEELE, Sir Francis might have stated, that he is, to this hour, in the enjoyment of a sinecure office, worth £1,633 a year. His office is that of *King's Remembrancer in the Court of Exchequer*; and, be it observed, that he is also a *Privy Counsellor*. Be this observed.—Mr. Wynne answered to this, that Mr. Steele was *not a member of that House*. When? At *what time* does Mr. Wynne mean? Not now, indeed; but, he was a member *at the time when the matter was detected*. Nay, he was a member in the short, or Whig, parliament; and, it is very well known, that the transaction was made known by Lord Temple long before that parliament was dissolved. Steele was not elected in the present parliament, I know; but he was in parliament when the thing was made known, and for many months afterwards; for a longer time afterwards than has elapsed since the Honourable B. Walsh was caught at Falmouth.—Besides, as I said before, Mr. Steele is still a *Privy Counsellor*, which is, surely, a post of as high honour as that of a member of parliament.—As to the HONOURABLE JOSEPH HUNT, Mr. Perceval is reported to have said, “that his name had merely been allowed to remain in the estimates, from the difficulty of procuring an order in Council for the alteration; but that a note had been entered on this year's estimate, stating that no part of the money was to be applied to other than public purposes.”—What does this mean? What is meant by *public purposes*? Why is any sum put down

against his name at all? The meaning must be this: that his pensions are to be stopped and applied to the paying off of the debt which he owes the public; and so, as far as it goes, the poor public will be paid off in their own money! This puts one in mind of a statement of General De Lancey, who, amongst his effects to meet a demand of the public, inserted the value of a pension, that had been granted him, and that, of course, was payable out of the money of that same public.—Mr. Banks said, “with respect to BOYD AND BEN-FIELD, he was astonished how any person could conceive that their case bore any analogy to the present.”—I do not understand Sir Francis if he meant to say, that the case of the Honourable Mr. BOYD & CO. bore an analogy to that of the Honourable Mr. Walsh. I understand him to mean, that the case of the Right Honourable Mr. PITT bore such analogy; and, I was, I must confess, all a-gape to hear what would be said in answer to this part of Sir Francis's speech: I was eager to hear what argument would be used to shew, that Walsh's pardon should not be as complete a white-washer as Pitt's bill of indemnity; I was all a-tip-toe to hear how, in a moral point of view, the conduct of the one would be distinguished from that of the other. How great, therefore, was my disappointment, when I saw that no one spoke upon the subject except Mr. Banks, and that he contented himself with expressing his *astonishment* how any one could find an analogy in the cases.—However, we may be assured, that a time will come, when all these matters will be fully discussed; and, therefore, we have only to thank Sir Francis, at present, for having called them to our recollection.—The fact, mentioned by him, of the SEAT of the Honourable Walsh being entered in his books amongst his ASSETS (or means of paying his debts), and in that way laid before the Commissioners of Bankrupts, is too curious to let pass unnoticed. I had heard of this before, and understood that the disclosure was owing to Mr. BISH, who is so abused by the Honourable Walsh in his letters that have been published. This is a very curious fact; and the world will easily judge from it what the state of things must be as connected with elections to the House of Commons. Nobody attempted to deny this fact. Indeed nobody seemed to take any notice of it. It did not appear to excite any surprise.—These discussions have, however,

an admirable effect. They awaken attention to matters connected with the main point, namely, *parliamentary reform*; they afford matter for silencing the corrupt vermin through the country, who affect to see no necessity for that measure; they furnish matter to fling into the bawling throats of the Anti-jacobins; and, what is quite as useful, they exhibit to the public view the Anti-jacobins themselves. All the gentry, who were brought forward upon this occasion: Walsh, Steele, Hunt, Mills, Pitt, Boyd, Benfield, all, all were, in their day, famed for their *Anti-jacobinism*; all were the enemies of reform. The conclusion is obvious; and this way of reasoning is, in the long run, the most powerful.

W^M. COBBETT.

State Prison, Newgate,
Friday 6th March, 1812.

DROITS OF ADMIRALTY.

*Mr. Brougham's and Mr. Perceval's Speeches
on the 25th of Feb. 1812.*

Mr. BROUGHAM, in pursuance of a previous notice, rose to move for a Committee to inquire into the Disbursements from the *Droits of Admiralty*. He observed, that when he formerly submitted a similar proposal to the House, it was resisted on various grounds, but principally it was urged that he had not chosen a convenient time for the adoption of his Resolution, pending a certain contract which was said to have been entered into with the Crown, at the commencement of the present reign, for the establishment of the Civil List. Such an objection could not now be urged, and from the general result of the debate, the country had certainly every reason to hope that an inquiry of a most important nature should now be commenced, preparatory to a new and general settlement of the Civil List Revenue. He did not believe that on the previous debate one Honourable Gentleman had denied the right of the House to examine into the application, as well as into the amount of this fund, and the Chancellor of the Exchequer had told the House, that fully conscious of the due employment of these monies, and that not the slightest abuse of them could, by the most strict investigation, be discovered, he should, at the proper time, have courted the most minute inquiry upon the subject. As that proper time was now arrived, in order to give the Right Honourable Gentleman an op-

portunity of acting up to his professions, that he might shew the burdened nation that they were not the mere hollow pretences of temporary expediency, he (Mr. Brougham) now submitted the subject again to the decision of the House. In the outset he might remark, that it was not requisite that he should make out even a *prima facie* case of abuse, because the *Droits of Admiralty* was a long disposable fund, over which it was the duty of Parliament to watch, and could not be compared to a grant for a particular service, to which it was known it could only be applied. After the inspection of the volumes of documents which had been laid upon the table, none of them tending to give any substantial information, it would be obvious to all that there was ample ground laid for a more critical examination, supposing even that he could not shew any circumstances of a suspicious character regarding them. Such was, however, by no means the fact, and the different items of which the accounts were composed might be divided into four general heads. The first related to sums paid to captors and claimants, on account of prizes, although it was not indisputably established that they were so paid. The second class, not so large in its amount, was composed of sums paid apparently for the same purpose, but which there is every reason to believe have not actually been so paid, under the same head as the preceding. The third division included a still smaller amount, and consisted of sums paid, of the ground of which payments no account is given. The fourth head, second in point of amount, embraced monies issued for various services, which it was not pretended had the most remote connection with the origin of the fund. He would now consider the various classes in succession, and supply from the papers presented one or two instances upon each of them.

With regard to the first, he was by no means disposed to deny that large amounts may have been justly paid to persons concerned in prizes, which ultimately had been ascertained to have been illegally made; even to non-commissioned captors they might have been prudently given, but he maintained that in this distribution no preference should be shewn, and where favour was apparent no specification of the various items was supplied to prove that it was proper or necessary. In the Account laid before the House in 1810, under the

head "Special Payments," would be noticed the enormous sum of 269,789*l.* paid to John Alcock, to be by him divided among the Merchants of Spain, whose property had been sequestrated in 1796 and 1797. The amount of 54,921*l.* was likewise inserted as having been disbursed to various commanders, on account of ships carried into Cape Nichola Mole, and illegally condemned. Into the particulars of these two large items, surely some inquiry ought to be made, and it was a mere mockery to acknowledge the right of the House for that purpose, and to refuse the Select Committee the nomination of which he now proposed. It might be stated that the accounts had been audited at the Treasury, but would the House delegate its right of investigation to any but to its own Members for that purpose, by itself appointed, unless indeed, as in many other cases, particularly in that of the American claimants, Boards were established, whose particular function it was to make the requisite investigation. He did not blame any individual Administration, because, since the time of Mr. Pitt, these abuses had been continued under every Government. Other articles might be pointed out, such as the vote of 38,000*l.* to Lord Keith, against whom an action having been brought for the detention of an American vessel, and heavy damages recovered, his Lordship was indemnified out of the *Droits of Admiralty*. This surely was very doubtful policy, and our enemies would not fail to impute such payments to one of two causes, for both of which there could be no ground, either that redress could not be obtained in our Courts of Justice, or that our cruizers were lawless in their seizures. On a former occasion, a Right Honourable Friend of his (Mr. Arbuthnot), in all the eagerness of conscious innocence, had come down to the House, and explained, to a shilling, the item standing against his name. Nearly all the individuals, whose names were inserted in these documents, no doubt felt equally anxious to clear their characters from imputation, and not being able to do it in the House, they claimed a full and fair scrutiny in a Committee. Rear-Admiral Lewis had been paid a large sum for detaining a neutral vessel, and would not America, and justly too without explanation, ask what security, if she continued a peace with us, she had that her neutral shipping should not be seized, if our officers were apparently rewarded for their capture?

The Honourable Gentleman here entered into a long detail of the case of the *Daphne* privateer, owned by a Mr. Jacobs, which had captured the *Circe*, in 1800.—The prize was condemned, and 15,000*l.* paid to the Captain and Mariners, and 10,000*l.* detained for other purposes. Information, however, was subsequently conveyed, that the privateer had sailed without having mustered her due complement of men. A Monition was issued in consequence, the money already paid recalled, and the 10,000*l.* in the hands of a third person, arrested; and further, the owner was compelled to pay, in addition, 1,700*l.* for costs. In this case, however, no remuneration had been paid to him out of the *Droits of Admiralty*, however deserving he might be; although in the case of Sir Home Popham, similar in every respect but the names, that Officer had received 21,000*l.* It might be right for the House to be informed on what sort of authority it was that the money paid on account of the capture by the *Daphne* had been recalled, and Mr. Jacobs and his family reduced to beggary. It was not at the suggestion of a common informer or of a *qui tam* attorney, but on evidence procured by a Reverend Clergyman—the Rev. W. B. Daniels, who had been in confinement for debt, and reduced to the condition of poverty of the Primitive Christians, after publishing a work on Field Sports, in which he, as well as many of his brethren, were known so peculiarly to excel (hear, hear, hear! from Mr. Perceval.) He did not mean to cast any general reflection on the numerous respectable members of the Church of England; but certain it was that Mr. Daniels formed no addition to their respectability, for after other trades had failed, he turned a broker in evidence, and procured two men of the names of Thatcher and Guzman, one of whom had been convicted of perjury, and the other had been flogged at the cart's tail, to swear as much as was necessary to support his charge. For this signal service, the Worthy and Rev. Gentleman had received from Government no less than 5,077*l.* and the first of his witnesses 87*l.* as a "gratuity for evidence given."

Under the second branch of this subject, he should mention with regret the grant of 932*l.* to Sir William Scott, "for services in deciding upon cases relative to American captures." He was firmly convinced that the wealth of the Indies could not induce that Learned Judge to condemn a single

cock-boat contrary to justice; but the words in which the item was stated were peculiarly disgusting, and implied what there was not the slightest reason to believe. In the United States, however, they would not meet with so just an interpretation, where the natives were already strongly prejudiced against what they termed the unwarrantable and flagrant injustice of the British Court of Admiralty. —Other articles however, thrust themselves forward, that could not be so satisfactorily explained. On the 20th Sept. 1803, a grant of 2,250*l.* had been made to Sir George Young, of one-third of the Dutch ship *Frederick*, taken at the Cape. The sum of 2,792*l.* had likewise been paid to the Earl of Dunmore, on an account nearly similar; and on the 17th August, Admiral Keppel received part of the proceeds of Spanish vessels captured at Martinique. To the first of these items particular attention was due, because at the time the prize at the Cape was made, Sir George Young was serving in Parliament as Member for Huntingdon, filled a lucrative and honourable post, and upon failing in a subsequent election, was appointed Governor at the Cape of Good Hope—so that the most vivid imagination might be defied to state an adequate reason for this grant. The Earl of Dunmore could have as little to do with the capture for which he was remunerated—and indeed the general complexion of many of the items was so suspicious, as imperiously to demand further investigation as to their real character. After several other observations, the Honourable and Learned Gentleman concluded with moving for the appointment of a Select Committee, to inquire into the appropriation of the Funds of the *Droits of the Admiralty*.

MR. PERCEVAL was of opinion, that the House would not feel itself called upon to grant the Committee, upon the grounds stated by the Honourable and Learned Gentleman. The papers to be laid before that Committee would necessarily involve such an indefinite detail of particulars, that folios rather than sheets would be to be accumulated. Besides, the truth was, that with all the laboured citations and statements of the Honourable Gentleman, he had after all made out no case in general support of his own Motion. What had been the allegation of the learned Gentleman? Nothing more than this—that the funds in question had been appropriated to the different persons, and for the several

purposes stated in the papers. This the Learned and Honourable Gentleman admitted; but then he happened not to know upon what grounds these payments had been so made—and therefore he thought inquiry necessary. Several of the items, several of the wordings of those items the Learned Gentleman could not comprehend—for the best of all possible reasons, as the Learned Gentleman himself had frankly acknowledged, because he was utterly ignorant of the particular merits of the respective cases. Now, though it might be a very good reason why the Honourable Gentleman should be solicitous for information, he (Mr. P.) could not think that it was, therefore, sufficient cause for troubling the House with the present motion. If the Learned Gentleman was so ignorant upon the merits of those cases, did he require of the House to take his ignorance of their merits as a presumption of their demerits; for really there had been in the whole course of the elaborate speech of the Learned Gentleman, no other general ground to be inferred as that upon which the Learned Gentleman rested his application for inquiry. Had he ventured to state that there had been in any of these instances an abuse in the mode of appropriating these *Droits*? In what one instance had they been misapplied? When, upon the face of the papers of the accounts themselves, did there appear sufficient evidence to induce the House to believe that there had been a misapplication of those funds? Oh, but says the Honourable and Learned Gentleman, there may have been abuse, though I am as yet ignorant of it—there may be abuse, though it don't appear upon the face of the accounts themselves, and therefore let us inquire. If this was to be laid down as a sufficient ground for a grave Parliamentary inquiry, he knew not how there could be a limit or rule established (hear, hear!) The labours of Parliament would be endless, and as futile as they were endless, if they were always to appoint Committees of Inquiry upon such a ground as this. Under the head of "*Special Payments*," there appeared an item of 269,789*l.* paid to Mr. John Alcock, to be distributed by him amongst those merchants concerned in the trade with Spain, whose ships and property had been sequestered in consequence of the war with Spain. The Learned Gentleman seemed here again to have been totally ignorant of the fact of a provision in the peace of Amiens, for such

merchants, which could not afterwards be carried into effect. They lost their property in consequence of the capture of the Spanish frigates, which led to a Spanish war, and Government did feel themselves called upon to indemnify these merchants. Another item was that of 54,921*l.* on account of illegal condemnations at Cape Nichola Mole; but what had been the circumstances under which these illegal condemnations had been had? Simply these:—there was a Court sitting at Cape Nichola Mole; the Commanders who had made the captures in question brought them into this Court, esteeming it to have all the authority and jurisdiction of a Prize Court; and in that Court they were condemned. From these decisions there were appeals to the Prize Courts here. [Here Mr. Brougham intimated his dissent to this statement.] He (Mr. P.) was, he admitted, inaccurate in stating that there had been appeals to the Prize Court. There had been, in fact, no appeal, for this Court at Cape Nichola Mole proved to have been no Prize Court at all, and therefore its decisions were *ab origine* null, and a direct, and legally speaking in the first instance, a direct application to the Court of Admiralty here, and not to the Prize Court, the condemnations were set aside with costs of proceedings against the captors. Another objection of the Learned and Honourable Gentleman was to the item of 38,000*l.* to Lord Keith, who had incurred heavy damages, for the illegal detention of an American vessel. He (Mr. Perceval) did not know whether the Learned and Honourable Gentleman was at that time in the profession, but he remembered that this cause was considered to be one of the nicest and most abstruse that had at that time occupied the attention of the Admiralty Court; and certain it was, that by the customs of the West India station, a portion of prizes made in detection of smuggling was shared by the Commander.

As to the case of the *Daphne*, a privateer fitted out by a Mr. Jacobs, the Honourable Gentleman had complained that Government had not remunerated him as they had done Sir Home Popham. This was rather a curious assertion to come from the Honourable Gentleman, after his having strenuously censured the grant to Sir Home Popham; and after having stated that his case and that of Mr. Jacobs were essentially the same, he then turned round upon the House, and claimed of them to

do again what he so condemned in them for having done at all. As to Mr. Daniels, he knew nothing of him, but if he was the means of leading to the detection of this privateer having been illegally fitted out, he was, let him be who he might, entitled to his reward for having done so. As to the 930*l.* paid to Sir Wm. Scott, here again the Learned Gentleman did not seem to know that at that time his Learned and Right Honourable Friend was King's Advocate, and this money had been paid to him as a referee. But if Gentlemen would talk upon what they knew so little about, such mistakes were to be expected. As to the grants to the Royal Dukes, he hoped that the House would not think it necessary to inquire how a parent, in one or two instances, thought proper to give away sums to his children, out of his own property. He concluded by saying, that he wished not to withhold any particle of information that could lead to any public practical benefit.

OFFICIAL PAPERS.

AMERICAN STATES.—*Correspondence between Mr. Foster and Mr. Monroe, and also between Mr. Monroe and Mr. Serurier, laid before Congress in January, 1812.*

Mr. Foster to Mr. Monroe, Dec. 17, 1811.

(Continued from p. 288.)

..... This is no demand on the United States to admit British manufactures; they are at liberty to continue the law, only as it is of an unfriendly nature, some restriction of a similar kind was to be expected from England; and with respect to the alleged demand for forcing British goods, the property of neutrals, into French ports, if the United States are willing to acquiesce in the regulations of the French Decrees unlawfully affecting England through them, they cannot surely be surprised if we consider ourselves as at liberty to refuse permission to the French to profit by that acquiescence.—I will now, Sir, take the opportunity of stating to you, that I have received from his Majesty's Secretary of State, the correspondence of which you did me the honour to transmit to me a copy in your letter, dated October 17. My Government have not been able to see in it satisfactory proof of the repeal of the French decrees, and doubt whether the trade carried on by licences between France and America

will not be regarded, even here, as proof of the continuation of them in their fullest extent, for if they were to any extent repealed, to that extent at least no licences should be necessary, a licence being given to allow what, but for that licence, would be prohibited.—The continued absence hitherto of any instrument by which the repeal has been effected, is a matter also of surprise, for if there were any fair dealing in the transaction, no reason can be given by France for not producing it; it is very desirable that it should be produced if such an instrument be in existence, in order that we may know to what extent the decrees have been repealed, if they really have been so in any respect. Mr. Russell, however, does not appear to have been in possession of it at the date of his letter of last July. It is, indeed, become particularly interesting, that we should see this instrument since the publication of Mr. Russell's correspondence with his own government, by which it appears that really, and in fact, the French Government did not release any American ships taken after November 1, until they had become acquainted with the President's Proclamation, and that vessels have been taken so late as December 21, in the direct voyage from this country to London; for until a copy of such instrument is produced, it is impossible to know whether any other trade is allowed by France than that between her own dominions and the ports of the United States.—I have the honour to be, with the highest consideration, Sir, your most obedient humble servant,—Aug. J. FOSTER.

Mr. Monroe to Mr. Foster. Jan. 14, 1812.

Sir,—I have had the honour to receive your letter of Dec. 17, and I embrace the first moment that I could command, to make the observations which it suggests.—It would have afforded great satisfaction to the President, to have found in the communication, some proof of a disposition in the British Government to put an end to the differences subsisting between our countries. I am sorry to be obliged to state, that it presents a new proof only of its determination to adhere to the policy to which they are imputable.—You complain that the import of your former letters has been misunderstood in two important circumstances, that you have been represented to have demanded of the United States, a law for the introduction

of British goods into their ports, and that they should also undertake to force France to receive British manufactures into her harbours.—You state that on the first point, it was your intention to only remonstrate against the Non-Importation Act, as partial in its operation, and unfriendly to Great Britain, on which account its repeal was claimed, and to intimate that if it was persevered in, Great Britain would be compelled to retaliate on the commerce of the United States, by similar restrictions on her part. And on the second point, that you intended only to urge, that in consequence of the extraordinary blockade of England, your government had been obliged to blockade France, and to prohibit all trade in French articles, in return for the prohibition by France of all trade in English articles.—It is sufficient to remark on the first point, that on whatever ground the repeal of the Non-Importation Act is required, the United States are justified in adhering to it, by the refusal of the British Government to repeal its Orders in Council; and if a distinction thus produced between Great Britain and the other belligerents, it must be referred to the difference in the conduct of the two parties.—On the second point I have to observe, that the explanation given cannot be satisfactory, because it does not meet the case now existing. France did, it is true, declare a blockade of England against the trade of the United States, and prohibit all trade in English articles on the high seas, but this blockade and prohibition no longer exist. It is true also, that a part of those decrees did prohibit a trade in English articles within her territorial jurisdiction; but this prohibition violates no neutral rights, or neutral commerce, of the United States. Still your blockade and prohibition are continued in violation of the national and natural rights of the United States, on a pretext of retaliation, which, if even applicable, could only be applied to the former, and not to the latter interdicts, and it is required that France shall change her internal regulations against English trade, before England will change her external regulations against the trade of the United States. But you still insist that French Decrees are unrevoked, and urge in proof of it, a fact drawn from Mr. Russell's Correspondence, that some American vessels had been taken since the 1st of November, in their route to England. It is a satisfactory answer to this remark,

that it appears by the same Correspondence, that every American vessel which had been taken in that trade, the seizure of which rested on the Berlin and Milan Decrees only, were, as soon as that fact was ascertained, delivered up to their owners.—Might there not be other ground also, on which seizures might be made? Great Britain claims a right to seize for other causes, and all nations admit it in the case of contraband of war. If by the law of nations, one belligerent has a right to seize neutral property in any case, the other belligerent has the same right. Nor ought I to overlook that the practice of counterfeiting American Papers in England, which is well known to the Continent, has, by impairing the faith due to American documents, done to the United States essential injury. Against this practice the Minister of the United States at London, as will appear by reference to his Letter to the Marquis Wellesley of the 3d of May, 1810, made a formal representation, in pursuance of instructions from his government, with an offer of every information possessed by him, which might contribute to detect and suppress it. It is painful to add that this communication was entirely disregarded. That Great Britain should complain of acts in France, to which by her neglect, she was instrumental, and draw from them proof in support of her Orders in Council, ought certainly not to have been expected.—You remark also, that the practice of the French government to grant licences to certain American vessels, engaged in the trade between the United States and France, is an additional proof that the French decrees still operate in their fullest extent. On what principle this inference is drawn from that fact, it is impossible for me to conceive. It was not the object of the Berlin and Milan decrees to prohibit the trade between the United States and France. They were meant to prohibit the trade of the United States with Great Britain which violated our neutral rights, and to prohibit the trade of Great Britain with the Continent, with which the United States have nothing to do. If the object had been to prohibit the trade between the United States and France, Great Britain could never have found in them any pretext for complaint. And if the idea of retaliation

could in any respect have been applicable, it would have been prohibiting our trade with itself. To prohibit it with France would not have been a retaliation, but a co-operation. If licencing by France the trade in certain instances, prove any thing, it proves nothing more than that the trade with France in other instances is under restraint. It seems impossible to extract from it in any respect that the Berlin and Milan Decrees are in force, so far as they prohibit the trade between the United States and England. I might here repeat that the French practice of granting licences to trade between the United States and France, may have been intended in part, at least, as a security against the simulated papers; the forging of which was not suppressed in England. It is not to be inferred from these remarks, that a trade by licence is one with which the United States are satisfied.—They have the strongest objections to it, but these are founded on other principles than those suggested in your note.—It is a cause of great surprise to the President, that your government has not seen in the correspondence of Mr. Russell, which I had the honour to communicate to you on the 17th of October last, and which has been lately transmitted to you by your government, sufficient proof of the repeal of the Berlin and Milan decrees, independent of the conclusive evidence of the fact, which that correspondence afforded, it was not to be presumed from the intimation of the Marquis Wellesley, that if it was to be transmitted to you, to be taken into consideration in the depending discussions, that it was of a nature to have no weight in these discussions.—The demand which you now make of a view of the order given by the French government to its cruizers, in consequence of the repeal of the French decrees, is a new proof of its indisposition to repeal the Orders in Council. The declaration of the French government was, as has been heretofore observed, a solemn and obligatory act, and as such entitled to the notice and respect of other governments. It was incumbent on Great Britain, therefore, in fulfilment of her engagement, to have provided that her Orders in Council should not have effect, after the time fixed for the cessation of the French decrees.

(To be continued.)